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MEMORANDUM
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2009 OCT 23 P 3:46

TO: Docket Control
FROM: Steven M. Olea
Director
Utilities Division

EA for SMD
COMMISSION
DOCKET CONTROL

DATE: October 23, 2009

RE: **STAFF REPORT – IN THE MATTER OF THE APPLICATION OF AVS, INC. FOR APPROVAL OF THE CANCELLATION OF CERTIFICATE OF CONVENIENCE AND NECESSITY FOR CUSTOMER OWNED PAY TELEPHONE PROVIDERS (DOCKET NO. T-02898A-08-0080)**

On February 11, 2008, AVS, Inc. (“AVS”) filed an application to cancel its Certificate of Convenience and Necessity (“CC&N”) to provide customer owned pay telephone (“COPT”) service in Arizona. The Commission granted AVS a CC&N to provide COPT service in Decision No. 59342 on October 11, 1995.

On July 27, 2009, Staff contacted Frank Berg, President of AVS, Inc., and verified that he is the authorized person that made the Application. Mr. Berg stated that he removed all of the telephone equipment because he lost money providing service. Salvageable telephone equipment was given to other carriers and the rest of the telephone equipment was discarded as junk. Staff also confirmed that Mr. Berg does not want a hearing to cancel his CC&N.

The Compliance Section of the Utilities Division indicates that AVS is not listed in the Compliance Database. Also, AVS does not have any trackable compliance records or delinquencies captured in the e-Docket System at this time.

The Consumer Services Section of the Utilities Division stated that from January 1, 2006 through July 27, 2009 there are no complaints, inquiries or opinions filed against AVS. Consumer Services Section further stated that AVS is not incorporated with the Corporations Division of the Commission.

Staff recommends approval of AVS’s request to cancel its CC&N. Upon cancellation of its CC&N, AVS will not be authorized to provide COPT telecommunications services in Arizona and therefore, will not have to meet any of the requirements of Decision No. 59342.

SMO:JFB:kdh

Originator: John F. Bostwick

Attachment: Original and Thirteen Copies

Arizona Corporation Commission

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DOCKETED BY [Signature]

SERVICE LIST FOR: AVS, INC.
DOCKET NO.: T-02898A-08-0080

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